

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MEREDITH SUMMER,

Case No. 21-12936

Plaintiff,

F. Kay Behm

v.

United States District Judge

DETROIT PUBLIC SCHOOLS
COMMUNITY DISTRICT, NIKOLAI VITTI,
and ADRIANA RENDON, Individually
and in their official capacities,

Defendants.

**ORDER FOR SUPPLEMENTAL BRIEFING
AND ORDER STRIKING EXHIBITS (ECF Nos. 82, 83)**

This case is currently before the court on two motions: Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(c) and Defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(c). (ECF Nos. 50, 51). At the hearing on December 13, 2023, both parties agreed that the court should consider the outside materials attached as exhibits and convert Defendants' motion to dismiss into a motion for summary judgment. The court then required the parties to submit supplemental briefs including: (1) a list of everything the court should consider in deciding the motions for summary judgment; (2) where in the record the relevant exhibits can be found; and (3) if a

relevant exhibit is not presently in the record, an attachment of that exhibit. The parties were directed to file these supplemental briefs by 5:00 pm on Friday, December 15, 2023. Plaintiff filed an initial supplemental brief at approximately 11:04 pm on December 15, 2023, and an amended supplemental brief at approximately 11:59 pm adding an excerpt from Defendant Rendon's deposition. (ECF Nos. 82, 83). The court has not yet received Defendants' supplemental brief or materials. As such, Defendants are **ORDERED** to file a supplemental brief in accordance with this order by 11:59 pm on December 19, 2023.

Additionally, the exhibits attached to Plaintiff's supplemental brief contain the unredacted names of minors. Pursuant to Federal Rule of Civil Procedure 5.2, "unless the court orders otherwise, in an electronic or paper filing with the court that contains ... the name of an individual known to be a minor ... a party or nonparty making the filing may include only ... (3) the minor's initials." Plaintiff's supplemental briefs (ECF Nos. 82, 83) are, therefore, **STRICKEN** from the record and Plaintiff is **ORDERED** to resubmit these materials in compliance with Rule 5.2 by 11:59 pm on December 19, 2023.

Either party's failure to timely or adequately submit their materials in compliance with this order may result in sanctions, including sanctions dispositive of their claims or defenses.

SO ORDERED.

Dated: December 18, 2023

s/F. Kay Behm

F. Kay Behm

United States District Court Judge